

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### **Duty 1. Essential Programs and Services Funding System (EPS)**

Current Law	Section Summary
<p><b>20-A §15677. Salary matrix</b></p> <p><b>1. Salary matrix defined.</b> For purposes of this section, "salary matrix" means the relationships on a statewide basis between average staff salaries and:</p> <ul style="list-style-type: none"> <li>A. Years of staff experience; and</li> <li>B. Levels of staff education.</li> </ul> <p><b>2. Determination of matrix.</b> The salary matrix must be determined in accordance with the following.</p> <ul style="list-style-type: none"> <li>A. For fiscal year 2005-06, the commissioner, using information provided by a statewide education policy research institute, shall establish the salary matrix based on the most recently available relevant data and appropriate trends in the Consumer Price Index or other comparable index.</li> <li>B. For fiscal year 2006-07 and each subsequent year, the commissioner shall update the previous year's salary matrix to reflect appropriate trends in the Consumer Price Index or other comparable index.</li> </ul>	<ul style="list-style-type: none"> <li>• Two premises underlying EPS funding model: (1) there must be an adequate amount of resources provided to achieve desired learning outcomes for students; and (2) there must be equity in the distribution of adequate resources</li> <li>• This section and the following sections describe the calculation of personnel resources, including teacher resources, via a statewide salary matrix that is built into the EPS funding model and updated annually</li> </ul>
<p><b>20-A §15678. Calculation of salary and benefit costs; school level teaching staff</b></p> <p><b>1. Salary and benefit costs; teaching positions.</b> The commissioner shall annually determine, for each school administrative unit, the salary and benefit costs of all school level teaching positions that are necessary to carry out this Act.</p> <p><b>2. Ratios.</b> In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-teacher ratios.</p> <ul style="list-style-type: none"> <li>A. For the elementary school level, the student-to-teacher ratio is 17:1.</li> <li>B. For the middle school level, the student-to-teacher ratio is 16:1.</li> <li>C. For the high school level, the student-to-teacher ratio is 15:1.</li> </ul> <p><b>3. Number of teaching positions required.</b> The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, subparagraph (1), the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.</p> <p><b>4. Estimated salary costs.</b> The commissioner shall determine the estimated salary cost for the number of school level teaching positions required under subsection 3. In order to calculate this amount, the commissioner shall use the salary matrix pursuant to section 15677 for all school level teaching positions in each category.</p> <p><b>5. Total salary and benefit costs for school level teaching staff.</b> The total salary and benefit costs for school level teaching staff are equal to the sum of:</p> <ul style="list-style-type: none"> <li>A. The amount identified pursuant to subsection 4; and</li> <li>B. The amount, as determined by the commissioner, that equals the statewide percentage of salary costs that represents the statewide average benefit costs.</li> </ul>	<ul style="list-style-type: none"> <li>• This section describes the calculation of salary and benefit costs for teachers, including the guiding principle for student-to-teacher ratios by grade spans (i.e., elementary, middle school and high school grades levels), the actual number of teaching positions required for each school unit based on pupil counts, and the corresponding salary and benefit costs estimated for each school unit</li> </ul>

Current Law	Section Summary
<p><b>20-A §15682. Regional adjustment</b></p> <p>The commissioner shall make a regional adjustment in the total operating allocation for each school administrative unit determined pursuant to section 15683. The regional adjustment must be based on the regional differences in teacher salary costs within labor market areas in the State, as computed by a statewide education policy research institute, and must be applied only to appropriate teacher salary and benefits costs as calculated under section 15678 and salary and benefit costs of other school-level staff who are not teachers as calculated under section 15679.</p>	<ul style="list-style-type: none"> <li>• This section describes the regional adjustment of salary and benefit costs for each school unit based on a statewide index of teacher salaries and according to 35 labor market regions in the State</li> <li>• A benefits package is added to all school unit salary costs, as adjusted, at 19% of salary costs</li> <li>• Perception that salary adjustment is a disincentive to recruitment</li> </ul>

# Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

## Duty 2. Minimum Teacher Salary

Current Law	Section Summary
<p><b>20-A §13406. Minimum salaries beginning in 2007-2008</b></p> <p>Each school administrative unit shall establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2007 and in each subsequent school year.</p>	<ul style="list-style-type: none"> <li>• The State is obligated to adjust state subsidy for the gap between any teacher salary below \$30,000 and the minimum \$30,000 teacher salary (see <b>20-A §15689, sub-§7</b>)</li> </ul>
<p><b>20-A §15689. Adjustments to state share of total allocation</b></p> <p>Beginning July 1, 2005, adjustments to the state share of the total allocation must be made as set out in this section. [Note: Break in text]</p> <p><b>7. Adjustment for minimum teacher salary.</b> Beginning in fiscal year 2008-09 and in each subsequent fiscal year, the commissioner shall increase the state share of the total allocation to a qualifying school administrative unit in the current year by an amount that represents the amount from the state General Fund necessary to achieve the minimum starting salary for certified teachers established in section 13406.</p> <p>A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>(1) "Qualifying school administrative unit" means a school administrative unit or a career and technical education region that the commissioner has determined has a locally established salary schedule with a minimum teacher salary of less than \$30,000 in school year 2008-2009.</p> <p>B. The commissioner shall allocate the funds appropriated by the Legislature in fiscal year 2008-09 and each subsequent fiscal year in accordance with the following conditions.</p> <p>(1) The amount of the minimum salary adjustments provided to qualifying school administrative units must generally reflect the costs that are necessary to achieve the minimum teacher salary requirements set forth in this section.</p> <p>(2) The number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for fiscal year 2008-09 must be based on the local staff information data supplied to the department on or before October 1, 2008, and the number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for each subsequent fiscal year must be based on the local staff information data supplied to the department on or before each subsequent October 1st for the teachers who were first eligible to receive the minimum salary adjustment in the qualifying school administrative unit for the 2008-2009 school year.</p> <p>(3) The department shall collect the necessary data to allow the adjustments as supplemental monthly payments in fiscal year 2008-09 and any subsequent fiscal year for the salary adjustments to be paid on or before February 1, 2009 and any subsequent February 1st.</p> <p>(4) The minimum salary adjustments made under this subsection must be issued to the qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Minimum salary adjustments for teachers must be included in the qualifying school administrative unit's monthly subsidy checks.</p>	<ul style="list-style-type: none"> <li>• The State is obligated to adjust the state subsidy allocated to school units for the gap between any teacher salary below \$30,000 and the minimum \$30,000 teacher salary established in <b>§13406</b></li> <li>• For FY 2008-09, the adjustment for minimum teacher salary provided approximately \$724,944 to teachers in roughly 80 school units</li> </ul>

Current Law	Section Summary
<p>C. The amounts required to meet the employer's share of teacher retirement costs attributable to payments in fiscal year 2008-09 and each subsequent fiscal year must be allocated to the Maine Public Employees Retirement System in the appropriate year.</p> <p>D. A school administrative unit may expend any funds received through the adjustment under this section without calling for a special meeting of the local legislative body.</p> <p><b>8. Payments for minimum salary adjustments.</b> Qualifying school administrative units shall use the payments provided under this section to provide minimum salary adjustments for teachers in accordance with subsection 7 and section 13406.</p>	

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### **Duty 9. Alternative Teacher Compensation Systems**

Current Law	Section Summary
<p><b>20-A §13013-A. Salary supplement for national board-certified teachers</b></p> <p><b>1. Salary supplement.</b> Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, as of July 1, 2006 or thereafter with an annual national board certification salary supplement of \$3,000 for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher becomes no longer employed as a classroom teacher in the field of that teacher's national certification, the supplement ceases.</p> <p><b>2. Local filing; certification.</b> On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.</p> <p><b>3. Payment.</b> The department shall provide the salary supplement to eligible teachers no later than February 15th of each year.</p> <p><b>4. Expend funds.</b> A school administrative unit may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.</p>	<ul style="list-style-type: none"> <li>• Teachers who have attained certification from the National Board for Professional Teaching Standards are eligible to receive a salary supplement of up to \$3,000 from the State for up to 10 years</li> <li>• <u>Note:</u> For FY 2009-10 and FY 2010-11, salary supplements will be prorated as the amount of the supplements are limited to the amount of General Funds appropriated by the Legislature for this purpose</li> <li>• <u>Note:</u> Local collective bargaining agreements may also provide salary supplements for eligible National Board Certified teachers</li> </ul>
<p><b>§6204. Reports</b></p> <p><b>1. State profile report.</b> The commissioner shall annually report the results of the state assessment program with regard to the general performance profile of the students of the state's elementary and secondary schools.</p> <p>A. When a report is made under this subsection for purposes of comparative analysis, the reporting mechanisms and the categories reported shall be uniform for each school.</p> <p><b>2. School profile reports.</b> The commissioner shall also provide each participating school with a profile of student achievement based upon data from the assessment program.</p> <p>A. Every profile provided under this subsection shall use reporting mechanisms and categories which are uniform for each school.</p> <p><b>3. Teacher evaluation.</b> The student assessment program is separate from local practices and procedures regarding supervision and evaluation of a teacher for retention by a school administrative unit.</p>	<ul style="list-style-type: none"> <li>• Taken together with §13802, subsection 3 of this section (§6204) may prohibit the use of student assessment data as part of teacher evaluation</li> </ul>
<p><b>§13802. Teacher evaluation models</b></p> <p><b>1. Department to establish models.</b> The department shall establish models for evaluation of the professional performance of teachers employed in any school administrative unit within the State.</p> <p><b>2. Use of models.</b> Each school administrative unit within the State shall have the option to incorporate the models developed pursuant to subsection 1 for the evaluation of the professional performance of any teacher employed by that school administrative unit.</p>	<ul style="list-style-type: none"> <li>• Taken together with §6204, sub-§3, this provision (§13802) may prohibit the use of student assessment data as part of teacher evaluation</li> <li>• See Duty 10 Collective Bargaining Alternatives for note on Portland provisions on compensation for certain “professional learning” activities</li> </ul>

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### Duty 10. Collective Bargaining Alternatives

Current Law	Section Summary
<p><b>26 §965. Obligation to bargain</b></p> <p><b>1. Negotiations.</b> It shall be the obligation of the public employer and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purposes of this chapter, their mutual obligation:</p> <p>A. To meet at reasonable times;</p> <p>B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;</p> <p>C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies; for the purpose of this paragraph, educational policies shall not include wages, hours, working conditions or contract grievance arbitration;</p> <p>D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation but shall not exceed 3 years; and</p> <p>E. To participate in good faith in the mediation, fact-finding and arbitration procedures required by this section.</p> <p>Whenever wages, rates of pay or any other matter requiring appropriation of money by any municipality or county are included as a matter of collective bargaining conducted pursuant to this chapter, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the public employer at least 120 days before the conclusion of the current fiscal operating budget, except that this requirement is waived in the event that a bargaining agent of a newly formed bargaining unit is recognized or certified during the period not more than 120 days nor less than 30 days prior to the end of the fiscal period.</p>	<ul style="list-style-type: none"> <li>• Title 26, Chapter 9-A, "Public Employees Labor Relations Law" contains collective bargaining provisions related to the determination of salaries and benefits at the local school administrative unit level</li> <li>• A school district is defined as a "public employer" and a teacher is defined as a "public employee" who has the right to join a collective bargaining unit and to be represented by a bargaining agent in collective bargaining for certain terms and conditions of employment</li> <li>• Local collective bargaining agreements negotiated by school districts and bargaining agents representing teachers may include alternative compensation systems; an example is the agreement between the Portland School Committee and the Portland Education Association, which contains provisions to provide compensation for certain "professional learning" activities and contact hours</li> </ul>

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### Duty 11. Other Factors

Current Law	Section Summary
<p><b>20-A §13101. Professional Standards Board</b></p> <p><b>1. Board established.</b> There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:</p> <ul style="list-style-type: none"> <li>A. Two elementary school teachers;</li> <li>B. Two middle school teachers;</li> <li>C. Two high school teachers;</li> <li>D. Two educational specialists;</li> <li>E. Two special education teachers;</li> <li>F. Two education technicians;</li> <li>G. Three building administrators, one from an elementary school, one from a middle school and one from a high school;</li> <li>H. One special education director;</li> <li>I. One curriculum coordinator;</li> <li>J. Two district-level administrators;</li> <li>K. Two faculty members teaching in an approved teacher preparation program;</li> <li>L. One member of the public;</li> <li>M. One member, ex officio, of the state board; and</li> <li>N. The commissioner, or the commissioner's designee, serving as an ex officio, nonvoting member of the board.</li> </ul> <p>The board shall consider the commissioner's or the designee's recommendations.</p> <p>A member whose employment status changes during that member's term on the board remains on the board for the duration of the term for which that member was appointed.</p> <p><b>2. Appointments.</b> The Governor shall appoint the 23 members of the board specified in subsection 1, paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.</p> <p><b>3. Terms.</b> The appointed members of the board serve for 3-year terms and may not serve more than 2 full terms.</p> <p><b>4. Compensation.</b> The appointed members of the board serve without compensation and are entitled to reimbursement by the state board for mileage and expenses incurred in performing required duties. The state board shall furnish the board with materials, secretarial assistance and meeting facilities.</p>	<ul style="list-style-type: none"> <li>• The Professional Standards Board was established in 2005; however, as of 2009, members had yet to be appointed and the board had yet to be convened</li> <li>• Public Law 2009, chapter 157 (LD 1104) required that all appointments be made by July 1, 2009 and that the board convene no later than September 1, 2009</li> <li>• The Professional Standards Board was convened on August 20, 2009 and November 9, 2009; and meets next on March 8, 2010</li> </ul>

Current Law	Section Summary
<p><b>5. Chair; duties.</b> The members of the board shall annually elect a chair from among their membership. The chair shall present budget requests to the state board.</p> <p><b>6. Powers and duties.</b> The board has the following powers and duties.</p> <p>A. The board shall make recommendations to the state board, including, but not limited to, preservice education, continuing education, professional growth, initial certification, recertification and paraprofessional training and certification, and shall advise the department on rule-making procedures.</p> <p>B. The board shall monitor the impact of the policies adopted pursuant to paragraph A on the education profession in making recommendations and reports to the commissioner and the state board.</p> <p>C. In making policy recommendations on the certification process, the board shall consider complaints received by the department regarding the certification or certification approval process.</p> <p>D. The board shall meet 5 times annually.</p> <p>E. The board shall maintain records and minutes of its meetings and shall file them in the certification office within the department.</p> <p><b>20-A §13102. Work plan and annual report</b></p> <p>The board shall develop an annual work plan in consultation with the commissioner and the state board that includes ongoing work and new issues for study. The annual work plan must be set by September 1st of each year.</p> <p>The board shall submit a report by June 30th of each year to the commissioner and the state board with its recommendations.</p> <p><b>20-A §13103. Recommendations to State Board of Education</b></p> <p>The state board shall act on standards definitions or other recommendations within 60 days of presentation to the state board by the board.</p> <p><b>20-A §13104. Rulemaking</b></p> <p>The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.</p>	